Belagutti Family No 35

App. F. IX-4

SHA 129-31 (3-4)

Previous References

SHA 374-07 (6-10)

Later References

1932. Preserve

(SHA)

29

File No. 443/32

Serial Nos. 1/2

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for May '33

SUBJECT.

Claim to the lapsed pension of Jayamma of Belagutti Pattegar Family;

812) To Mr. Ramakrishnaiah Hosmat,
N 5820 of 1-5-33

Informs that there are no sufficient grounds to revise the orders already passed

Sec
17.X.33

5422-32

P

[App. F. III—2

General and Revenue Secretariat

S/H File No. 433 of 1932

Serial No.

1

Petition of 10.1.33 from Mr. Ramasparajier & 2 others of the Belagutti Pattegar family, praying that for reasons urged by them, the order of 24.2.32 directing the last lapse of the pension drawn by the late Jagannaya, be cancelled.

Reference is invited to Financial Secy's note at flk 'A' & the members orders thereon directing the lapse of the pension to govt: as the last holder died issueless.

(S/H 129.31)

In the last para of the petition, the petitioners pray that the Paravana may, for reasons urged by them, be made out in the name of one or all of them or in the alternative reference may be made to the Civil Court under Section 6 of the Pensioners Act:

B

The petitioners may perhaps be told that govt: see no sufficient grounds to revise the orders already passed

A

VSRm 9.2

Subd. to the Fl: Secy

IW 10/2

An Endorsement will, if approved, issue to the petitioners as at A.

IW.

What is 'B' above? How far does it apply? Is this request one that has to be complied with?

874

11.4.33.

This may be referred to the Law Section for remarks on the above points.

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

VSRm 11.4

Law Dept

12/4/33

Under sec 4 of the Pensions Act of 1871, Civil courts have no jurisdiction entertain any suit relating to a pension. Such claims have to be made to the D.C or other officer authorised by govt under sec 5. Sec 6 enables such officer to certify that the claim before him may be tried by a Civil Court, which can thereupon exercise jurisdn in the matter.

When & under what circumstances such references are to be made, can be governed by rules framed under sec 11 - It is not known whether any such rules are in force -

The reference contemplated under the Pensions Act is not however one that is obligatory on the part of the officer to make.

(Jun Br.) DRP 13/4.

Subd.

WW 13/4

~~H Secy~~) (Dewan) 15/4/33

24.

An endorsement as suggested at A may be issued

MMR 26/4/33

27.4.33

Subd: with a draft endorsement.

Issue

28/4/33

28/4

Serial No. 2

H 5820 31.5.33

To. Messrs: Ramaswamiah.
Sri Ramaswamy
Puttaswamyayya.

Tho' their Advocate Mr: M. P. Somasekhara Rao
informs that there are no sufficient
grounds to revise the orders already passed.

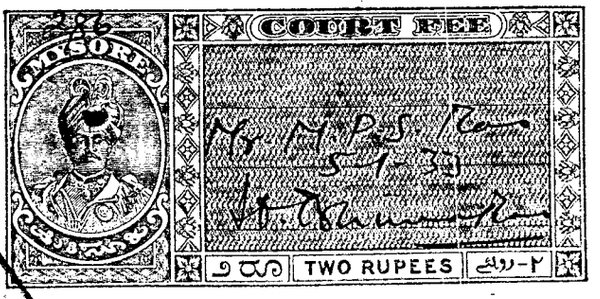
13.
31/5/33

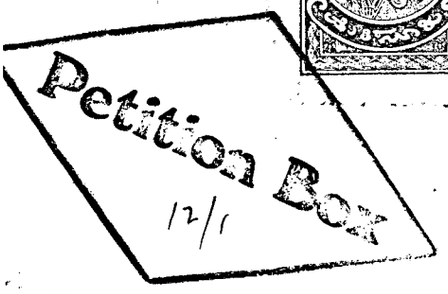
NOTE—Contn. Sheet.

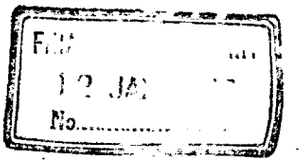
WD 70—GBPM—60,000—13-8-31

V. Rajan

S+A-433-32-1







13/1/33

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Miscellaneous Review Petition No. of 1932-33.

Petitioners:- 1. Rangappa Rajaiah, Pollegar of Belagutti, Honnali Taluk.

2. Sri Rangarayaru, Pollegar of Belagutti, Honnali Taluk.

3. Puttaswamyrayaru, Pollegar of Belagutti, Honnali Taluk.

The petitioners above named beg to prefer this Review Application praying that the Government Order No.F.6729/S. & A. 129-31-4, be reviewed and set aside and on the grounds hereunder setforth:-

The Facts of the Case.

The petitioners are members of the family of Belagutti Arasus or Pollegars. The annexed geneological tree shows their relationship inter se.

The family had been granted a political pension of Rs.11-4-6. In the early part of the last entry one Dasappa Naik was the baravarddar of the said pension. Since he lost his rightto the pension in 1809 under the rules then in force on account of his having been absent from the State without the leave the baravard was transferred in 1820 to Mariappa - Rajaiah who was described as his "ಅಳಿಯ" and must

have been either Dasappa Naik's sister's son or his son-in-law.

The circumstances under which Mariappa Rajaiah came to be regarded as being the successor of Dasappa Naik, or otherwise entitled to the pension, are not now very clear and can only be surmised.

Mariappa Rajaiah died on 31st October 1861 and the baravard was next made out in the name of his son Jaganappa Rajaiah who died in January 1887 and was succeeded by his son Thimmappa Rajaiah. On the death of the latter in 29-12-1907 the baravard was made out in the name of Jaganavva his widow who - died, on 13-8-1930. The pension was throughout being enjoyed by all the various branches of the family. Thereafter an inquiry was held as to the nearest heir entitled to the pension and according to the petitioners' information a report was submitted to Government to the effect that the pension was one granted to the family and that Rangappa Rajaiah was the eldest of the nearest heirs and that the baravard should be made out in his name as consented to by the remaining members of the family.

H.L. Government passed order No.F.6729/S.& A.129-31-4, dated 24/26th February 1932, directing the pension to lapse to Government on two grounds namely:-

(i) that "the transfer of the pension to Mariappa Rajaiah was not in order as he was the son-in-law of the last baravarddar" and;

(ii) that the continuance of the pension to Jaganavva was not according to the terms of

the grant for the benefit of the family and the last holder had left no male issue. The petitioner's respectfully pray for the review of the said order on the following among other grounds:-

GROUNDS.

1. The question whether the transfer of the pension to Mariappa Rajaiah after Dasappa Naik lost his rights was in order or not, could not and ought not to be raised more than 100 years after the so called transfer or the grant of the pension to Mariappa Rajaiah.

2. Inasmuch as the materials on which the grant of the pension to Mariappa Rajaiah was sanctioned are not forthcoming and it is possible that he was Dasappa Naik's sisters son "ಸಂಬಂಧಿಯಾಗಿ" as shown in the genealogical tree and as such regarded as his heir or that if he was only Dasappa Naik's son-in-law the grant of pension was for the benefit of Mariappa Rajaiah's son who as dauhitra would be an heir of Dasappa Naik the baravard being made out in the name of Mariappa Rajaiah on account of the minority of his son or that it might have been a case of a fresh grant altogether, it is respectfully submitted that the correctness or otherwise of the transfer of the grant of the pension to Mariappa Rajaiah cannot be properly determined now and should not therefore be questioned at this distance of time and that the correctness of the same ought to be presumed according to law.
(Vide Evidence Act Section 114 Illustration (e)).

3. Assuming that after Dasappa Naik lost his rights to the pension the grant ~~of~~ in favour of Mariappa Rajaiah was not in order and could be questioned at this distance of time, the pension ought not to lapse but should accrue for the benefit of the other - branches of the Belagutti family now represented by petitioners 2 and 3 the present baravarddars.

4. The long course of conduct and the enhancement of the pension from time to time are points the importance of which has been lost sight of.

5. The view that the continuance of the pension to Jaganavva was not according to the terms of the grant for the benefit of the family is incorrect and opposed to facts as borne out by the materials on record and particularly by the reports of several Cfficers and the statement of the other members of the Belagutti family.

H:H
S+A. 3740T
374-07.(1)

6. It is abundantly clear from the Treasury Records and the proceedings leading to the order for the registering of the stipend in the name of Jaganavva and terms of the order itself that there was no intention of altering the terms of the original grant and that the order merely recognised right of - Jaganavva as the heir of her deceased husband - Thimmappa Rajaiah to succeed to his rights and have the baravard of the pension entered in her name and this circumstance so far from militating against the claims of the petitioners to succeed to the pension as the nearest heirs of the last male holder in accordance with the principle of the Hindu Law does in fact support these claims.

be made out in the name of the petitioners or any one of them as may be deemed fit and proper or in the alternative reference may be made to the Civil Court under Section 6 of the Pensioner's Act No.XXIII of 1871.

Bangalore,
10-1-33.

Advocate for Petitioners.

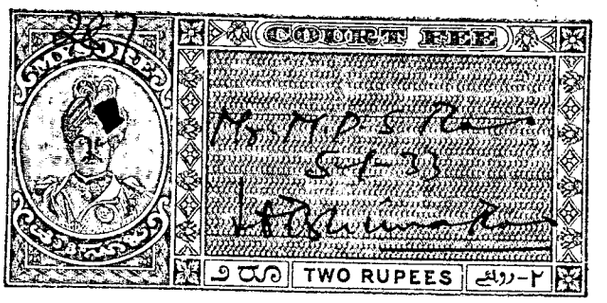
7. Ever since the grant of the pension to Mariappa Rajaiah in 1820 the pension was being jointly enjoyed by all the members of the family (including those belonging to the two other branches thereof) who lived and are still living together, the stipends being put into the common coffers of the family, a fact which is borne out by the Treasury Records and Reports of the Amildars and the Deputy Commissioner and by the statements of several prominent inhabitants of Belagutti Village.

8. The fact that the pension is a family pension, and hereditary in nature and not purely personal is evident among other things from the fact that after Mariappa Rajaiah's death the baravard was made out in name of his son Jaganappa Rajaiah and on his death in June 1887 in the name of his son Thimmappa Rajaiah and after his death in the name of his widow Jaganavva and in the light of these facts it is submitted the question whether the pension is a family one or not is concluded by the long course of conduct for over a century.

9. It is submitted that the pension, the right to which was recognised even in the Commission days could not be ordered to lapse now.

10. The order of the Government in question was passed without hearing the petitioners and without affording them any opportunity of being heard.

11. It is therefore prayed that the aforesaid order of Government be set aside and the baravard



Before the Govt of H H the Maharaja of Mysore. Bc

In the Court of the

Mis Review Petn

CASE No. OF 1932—1933.

~~Appellant, Plaintiff.~~ Petitioners: ~~Respondent, Defendant.~~

1. Rangappanaiaiah
2. Srirangarayam
3. Puttaswamyrayam

~~V.S.~~

1. ..we.. the ..petitioners.. abovenamed do by these presents retain Mr M.P. Somasekhara Rau Barlaw, M.P. Krishnaswamy Barlaw Advocates to appear in and conduct the above case on ..our.. behalf to judgment.

2. ..we.. further empower him to excute any decree or order that may be passed in ..our.. behalf and to receive from Court all documents, refunds and such sums of money as ....we.. may be entitled to get and grant receipts therefor.

3. ..we.. also undertake to confirm and ratify all the legal acts done by him in so doing.

1 రంగప్పనాయకుడు

2 శ్రీ రంగరాయం

3 పుట్టస్వామిరాయలు

BANGALORE

..4.. ..1.. ..1933

10

Accepted

M.P. Somasekhara Rau

M.P. Krishnaswamy

Advocate for

Signed before me and personally known to me

M.P. Somasekhara Rau

ಚಿಕ್ಕವೆಂಕಟರಾಯರು

ರಾಜಶಿರುಷಿ ಶಿಮ್ಮಪ್ಪರಾಯರು ಹ

ವೆಂಕಟಪ್ಪನಾಯ್ಕರ ಹೆಂಡತಿ 1ನೇ ಅಬ್ಬವ್ವಮ್ಮ
2ನೇ ಲಿಂಗವ್ವಅಮ್ಮ

ಶ್ರೀರಂಗರಾಯರು

ಜೋಳಿಶಿಮ್ಮಪ್ಪನಾಯ್ಕರು ಪೆಟ್ಟಿಷನರಂತೆ ಇಸ್ಟ್ರೂ. 2-ಗ-ಂ. ಪ್ರಕಿಕಾಗಲಭ್ಯನೇ ಇಸ್ಟ್ರಜನವರಿ ಗಗ. ಹಿಂಡತಿದೇವಕಿವ್ವ ಪ್ರಕಿ-

ದಾಸಪ್ಪನಾಯ್ಕರು ಪೆಟ್ಟಿಷನರಂತೆ ಇಸ್ಟ್ರೂ ಗಗ-ಳ-ಗ್ಗೆರು ಹಾಜರು. ಸಬೂ ಬು. ವಿನೋದಿಲ್ಲಿಯ ಸುರಿಯಪ್ಪನಾಯ್ಕರಿಗೆ ದಾಖಲು. ಹೆಂಡತಿ ಬಿಮವ್ವ- ಪ್ರಕಿ-

ಮಗಳ
ಶಮ್ಮ
ಬಾಜು
ಪ್ಪ ನಾ

ವೆಂಕಟರಾಯರು ಪ್ರಕಿಕಾ-ಗಲರ್ಥನೇ ಇಸ್ಟ್ರಪೆಟ್ಟಿಷನರಭ್ಯನೇ ಇಸ್ಟ್ರೂ. 2-ಗ-ಂ. ಬಿರಿಹಿಂಡರಿಜೋವವ್ವ ಪ್ರಕಿ. ಕಿರಿಹಿಂಡರಿವೆಂಕವ್ವನವರು ಇವರಿಗೆ ಹಿಜನಹೆಣ್ಣುಮಕ್ಕಳು ಪ್ರಜನಕಳ್ಳನಿಬ್ಬರು ಪ್ರಕಿ. ಳಜನರು ಹಾಜರ್

ಮೇಲ್ಮಂಡಮರಿಯಪ್ಪನಾಯ್ಕರು ಪ್ರಕಿಕಾ
ಪೆಟ್ಟಿಷನರ್ಗಾ. ಗಲ್ರಂನೇ ಇಸ್ಟ್ರಿಯಲಿ ಮೂವರ
ಕಲಬುದಾಖಲು ಗಗ-ಳ-ಗ್ಗೆ ಇವರಕ
ವರು ಹಿಂಡರಿಜಾನವ್ವನವರು ಪ್ರಕಿ. ಇವ
ಣ್ಣುಮಕ್ಕಳಲ್ಲಿ ಇಬ್ಬರು ಪ್ರಕಿ ಇಬ್ಬರು ಹಾ

ಬಿರಿಹಿಂಡರಿಯ 1ನೇಯ ಮಗ ಲಿಬ್ಬಕರಾಯರು. ಪ್ರಕಿಕಾ. ಗಲರ್ಥನೇ ಇಸ್ಟ್ರಪೆಟ್ಟಿಷನರ್ಥಂನೇ ಇಸಿ ರೂ 3ಂ-ಗ3-ಖ. ಹಿಂಡರಿಗಿಲಿಯವ್ವನವರು ಹಾಜರ್. ಇವರಿಗೆ ಹಿಜನಹೆಣ್ಣುಮಕ್ಕಳು ಹಾಜರ್.
ಬಿರಿಹಿಂಡರಿಯ 2ನೇಯ ಮಗ ಪ್ರಕ್ಷ್ಣರಾಯರು. ಇವರಹಿಂಡರಿಲಕ್ಷ್ಮವ್ವ ಮಕ್ಕಳಭೀಮರಾಯರು ಪ್ರಕಿ-
ಬಿರಿಹಿಂಡರಿಯ 1ನೇಯಮಗ ಬಿಡಂಬ್ರರಾಯರು. ಹಿಂಡರಿಗೌರವ್ವ ತಲೋಚಲಕಾಮರಾಯರು ಹಿಂಡರಿಪುಟ್ಟಗಂಗವ್ವ-

ಮೇಲ್ಮಂಡಲಿಬ್ಬಕರಾಯರ 1ನೇಯ ಮಗ ಮೈಲಾರ
ವೆಂಕಟರಾಯರು. ಹಾಲಿಬಾವರ್ದಾರು.
2ನೇಯ ಮಗ ಶ್ರೀರಂಗರಾಯರು

ಜಗನಪ್ಪರಾಜಯ್ಯ
ರೂ. ಳಿ3-ಗ4-ಳ
ಹಿಂಡರಿಬ್ಬಾಗವ

ಶಿಮ್ಮಪ್ಪರಾಜಯ್ಯನವರು ಹಾಲಿ
ರೂ. -ಖ-ಗಗ ಇವರಬೋಧ್ಧ
ವರಿಗೆ ಹಿಜನಹೆಣ್ಣುಮಕ್ಕಳು ಇ
ಗಪ್ಪ ಹಿಂಡರಿ ಅಬ್ಬವ್ವ ಹಾಜ
ಗನೇಯ ಮಗ. ರಂಗಪ್ಪ- ಹಿಂಡ
3ನೇಯ ಮಗ ಶಮ್ಮಕ್ಕಪ್ಪ
2ನೇಯ ಮಗ ಎಷ್ಟಣ್ಣಪ್ಪ.
ಹೆಣ್ಣುಮಕ್ಕಳು ಳಜನಗಳುಹಾ
ಜರ್-

(3) ಬಿಬಲೂಲಬಕ್ಕಪ್ಪರವಮ್ಮಕ್ಕಪ್ಪನ ಹಿಂಡರಿರಾಧಕ್ಕೆ ಹಾಜರ್.
(4) ರೇಯಸುಗಗತ್ತೆರು ರಾಯರು ಪ್ರ

డరి అక్కమ్మనవరు.

ామరాయరు. డిండరిజీవనమ్మ బ్రతికినవరిగి-
ంకు ఆగిబ్బారిందు టిప్పు సుల్తానరుగల్లగదాకిసి గ్రా
భున్ను పర్తారక్కే సేరిసికొండరు

శిరు మలరాయరు

ష్మమ్మగ్గిని ఇవరగండ
ప్పనవరు. ఇవరమగనే
సల్లిరువఅళియమరియు
ిరూ.

రంగప్పనాయ్యరు
పట్టేషగర్ంటనేల
ఇస్తిరూ. గగ-ళ-గ్
హోబి కా. గరగళనేల
ఇస్తి

శ్రీరంగప్పనాయ్యరు పట్టేష్.
కా. గరగళనేఇస్తి. రూ. గగ-ళ-గ్
డిటోఁకళుబు ఇవర అణ్ణారంగప్ప
నాయ్యరిగేనడ్తియుక్కొ ఇదు సంకర
ఇవరిగేదాఖల్ హోబి. కి గరగ్రనేల
మాజిన్. ఇవరింగేలంగ్నవిల్లు.

బలరామప్పనా
యరు. అణ్ణన
పేట్టేషగర్ంట
నేఇస్తి బుట్టి
హోబి. కా. గరగళు
డిండరి అంగమ్మ
హోబి-

3

ర్గనేఇస్తి
ప్పనాయ్యర
కరుర్ప్పన
ళజనడి
రి

డిండరికాశప్పనవరు హోబి. ఇవరింగే-
ళజనగండు మక్కళు. ఇబ్బరుహెణ్ణు-
మక్కళు ఇబ్బరొప్పంది ఒబ్బరు హోబి-
ఒబ్బరు హాజరు ఇవర అణ్ణర్కృష్ణ-
ప్పనవరడిండరికిసరస్వకేవ్వహోబి-
ఇవరింగేడిణ్ణుమక్కళు ఏజినహాజర్

చుంబ్బి స్వామియవరు మేల్మండబలరా
మప్పనాయ్యర అణ్ణాకిర్కప్పనాయ్యరమక్కళు
హోబి. కా. గరగ్రబరావదుగ్. పట్టేష్గర్ళుర
నేఇస్తి రూ. గగ-గ-ఒ-డిండరిచుం-
లక్ష్మమ్మనవరు. హోబి. డిణ్ణుమగళు. రాధ
హాజర్

వరు డిండరిదేవరవ్వ పట్టేష్గర్ళగనేఇస్తి-
శివనేఇస్తి ఇవరక్కమ్మ శ్రీరంగరాయరు-
రు హోబి.

గోపాలస్వామియవరు
డిండరిందవ్వసరహాజర్.

రావర్మరు-డిండరిజగనవ పట్టేష్గర్ళగనేఇస్తి
ప్పయ్యప్పనవరు. హోబి. డిండరిసరస్వకేవ్వసరు హోబి-ఇ
ర్ఒప్పకాశరిరుప్పయ్యనవరమక్కళు గనేలనా

సుబ్బవ
విల్లు

ప్రకారంకొ.

1నేఁ Bటోఁ ఒబ్బర్కాశనసుగసుబ్బరాయరు.
1నేయడింతరి చేంపులప్పవ్వ 2నేయడిండరిబింగవ
ళ్యకన. 1నేయమగ-మరియక్క-
2నేయమగ-శేషగిరియక్క-
3నేయమగ జగన్నవ్వ—
4నేయమగ కృష్ణప్ప—
5నేయమగ వినప్పయ్య.
ఇంతిళజనడిణ్ణుమక్కళు—

ఇం-
వి-
రిగే
మక్క
ళ్వి
యిల్లా

ఆటోఁ 3నేయడిండరియిల్ల వల్లగ
శ్రీరంగరాయరు.

J.A. 433-32-2

Please quote this number in your future communications.
No. L.5820

Office of the

Dated 1/5/1933

ENDORSEMENT.

To Messrs:
Rangapparaiah
Srinivasa Rayaru
Their Puttaswamy Rayaru
} Thro' their Advocate M. P. Sumasekhara Rao Esqr. Advocate, VA:22-13 Bangalore city.

Reference:—~~His/Her letter~~/petition dated Thro to the: January 1933

Subject:— Review Petition for reconsideration of the order rejecting the Appeal as barred by time filed by late Jagannatha.

Reference is invited to item No. 1 below.

A.O.

Signature.

28/4/33.

Designation. For S.C. Secy: to Govt:

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*1. The request cannot be granted as there are no Exceptional grounds to revise the orders already passed

2. The letter/petition has been referred to ..... for .....

3. Attention is drawn to this office No. ..... dated .....

4. No. ..... dated ..... cannot be traced; a copy may be sent.

5. The enclosures are not received.

6. The petition is returned herewith as
   (i) it is not in the prescribed form
   or (ii) it is not duly stamped
   or (iii) it is not presented within the prescribed time
   or (iv) it is not accompanied by a copy of the order appealed from or complained of.

*7. The petition is returned for presentation to .....

8. The petition is returned
   (*a*) as it is written illegibly
   (*b*) as its subject matter is not clear
   (*c*) as it is couched in improper language.

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* Reasons if any to be mentioned in brief.

WD 01724—GPB—8,000—23-4-28